

ENTERED

January 08, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

BEATRICE VALLEJO,	§
	§
Plaintiff,	§
	§
VS.	§ CIVIL ACTION NO. 7:22-CV-00193
	§
KILOLO KIJAKAZI,	§
	§
Defendant.	§

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Plaintiff Beatrice Vallejo's action pursuant to 42 U.S.C. § 405(g) seeking review of denial of her application for disability benefits, which had been referred to the Magistrate Court for a report and recommendation.¹ On September 13, 2023, the Magistrate Court issued the Report and Recommendation, recommending that Plaintiff's Motion for Summary Judgment be DENIED, that Defendant's Motion for Summary Judgement be GRANTED, that the Commissioner's decision be AFFIRMED, and that this action be DISMISSED. Petitioner has filed timely objections to the Magistrate Court's Report and Recommendation.²

Pursuant to 28 U.S.C. § 636(b)(1)(c), the Court has made a de novo determination of those portions of the report to which objections have been made. As to those portions to which no objections have been made, in accordance with Federal Rule of Civil Procedure 72(b), the Court has reviewed the report for clear error.³

¹ Dkt. No. 1.

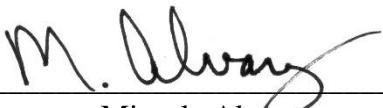
² Dkt. No. 25.

³ As noted by the Fifth Circuit, “[t]he advisory committee’s note to Rule 72(b) states that, ‘[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Douglas v. United States Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting Fed. R. Civ. P. 72(b) advisory committee’s note (1983)), superseded by statute on other grounds by 28 U.S.C. § 636(b)(1), as stated in *ACS Recovery Servs., Inc. v. Griffin*, No. 11-40446, 2012 WL 1071216, at *7 n. 5 (5th Cir. April 2, 2012).

Having thus reviewed the record in this case, the parties' filings, and the applicable law, the Court adopts the Report and Recommendation in its entirety. Accordingly, Plaintiff's Motion for Summary Judgment is hereby **DENIED**, Defendant's Motion for Summary Judgment is hereby **GRANTED**, the Commissioner's decision is hereby **AFFIRMED**, and this action is **DISMISSED** with prejudice.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 8th day of January 2024.



Micaela Alvarez
Senior United States District Judge